

UNITED STATES DISTRICT COURT

for the  
Southern District of Ohio

United States of America  
v.

NYLISHA HILL

Defendant(s)

Case No. 1:21-mj-981

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 12, 2021, in the county of Hamilton in the  
Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 371

Conspiracy to Commit a Felony Offense Against the United States

This criminal complaint is based on these facts:

See attached affidavit of ATF Special Agent Michelle Nelson

☒ Continued on the attached sheet.

*Michelle Nelson*

Complainant's signature

Michelle Nelson, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.  
**via FaceTime video**

Date: **Dec 29, 2021**

City and state: Cincinnati, Ohio

*Karen L. Litkovitz*  
Karen L. Litkovitz  
United States Magistrate Judge



**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**

**IN THE MATTER OF THE CRIMINAL  
COMPLAINTS OF:**

**JERMAINE PULLEY and  
NYLISHA HILL**

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**Case No. 1:21-mj-981**

**AFFIDAVIT IN SUPPORT OF  
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Michelle Nelson, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, being duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I submit this affidavit in support of criminal complaints and arrest warrants against JERMAINE PULLEY and NYLISHA HILL for a violation of 18 U.S.C. § 371 (Conspiracy to Commit an Offense Against the United States).
2. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and have been so employed since July 2020. I graduated from the ATF Special Agent Basic Training Academy in Glynco, Georgia, in October 2020.
3. In my career with ATF, I have been assigned to the Cincinnati Field Office in the Southern Judicial District of Ohio. Prior to my employment with ATF, I was a member of the United States Secret Service (USSS) in Washington D.C., where I served as a member of the Uniformed Division under the Presidential Protective Division. I was employed in that capacity from September of 2000 to 2004, and as a Crime Scene Technician from 2004 to April 2007. From April 2007 to July 2020, I served as a Special Agent of the USSS, assigned to the Cincinnati Field Office as well as USSS Headquarters, under the Protective Intelligence

and Assessment Division. I took part in various criminal investigations during my tenure, including investigations in which I reviewed the contents of suspects' electronic devices. I have received additional training in several areas of law enforcement, including but not limited to narcotics interdiction and investigation and firearms interdiction and investigation. I am also a graduate of the University of Texas where I received a bachelor's degree in Government in 2004.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officials and witnesses.

5. Because I am submitting this affidavit for the limited purpose of securing a criminal complaint and arrest warrant, I have not included every fact that I know about this investigation; I have set forth only those facts that I believe are necessary to establish probable cause to believe that PULLEY and HILL, in violation of 18 U.S.C. § 371 (Conspiracy), conspired to violate 18 U.S.C. § 922(a)(6) (False Statement During Purchase of Firearm).

#### **APPLICABLE LAW**

6. To establish that a defendant, in violation of 18 U.S.C. § 371, conspired to violate 18 U.S.C. § 922(a)(6) (False Statement During Purchase of a Firearm), the government must show:

- a. First, that two or more persons conspired, or agreed, to commit the crime of False Statement During Purchase of a Firearm, that is:
  - i. To knowingly make a false oral or written statement to a federally licensed firearms dealer;

- ii. Where the false statement or misrepresented identification was made in connection with the acquisition or attempted acquisition of a firearm; and
  - iii. Where the statement was intended or likely to deceive such firearms dealer with respect to a fact material to the lawfulness of the sale of the firearm to the defendant.
- b. Second, that the defendant knowingly and voluntarily joined the conspiracy; and
  - c. Third, that a member of the conspiracy committed an overt act to effect the object of the conspiracy.

### **STATEMENT OF PROBABLE CAUSE**

#### **A. Introduction**

7. ATF and the U.S. Attorney's Office are investigating a suspected conspiracy to make illegal straw purchases<sup>1</sup> of firearms involving NYLISHA HILL and JERMAINE PULLEY.

8. As I describe in more detail below, on October 12, 2021, HILL and PULLEY visited a firearms dealer in the Cincinnati, OH, area, where HILL attempted to purchase firearms. The attempted purchase was denied due to an employee's suspicion that HILL was buying the firearm for someone else. Less than an hour later, HILL and PULLEY went to another firearms dealer, where HILL successfully purchased two firearms. After completing the purchase, HILL left the store, but she returned minutes later and attempted to purchase two more pistols. This time, the store denied the purchase due to suspicion that HILL was buying the firearms for someone else.

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<sup>1</sup> The term "straw" purchase refers to a purchase in which the buyer, in violation of 18 U.S.C. § 922(a)(6), falsely represents to a Federal Firearms Licensee that he or she is purchasing a firearm for him- or herself, when in fact the firearm is being purchased for someone else.

9. A few weeks later, in November 2021, after PULLEY was charged with a violation of his probation for a separate alleged offense, PULLEY's probation officer, in accordance with the terms of PULLEY's probation, searched PULLEY's phone. That search revealed that the phone contained images of firearms, including one matching a firearm HILL bought on October 12, 2021. The search also revealed images and messages showing that PULLEY was offering multiple firearms for sale.

**B. On October 12, 2021, at around 10:26 a.m., HILL, with PULLEY, attempted to buy firearms from Shoot Point Blank – Cincy West.**

10. Surveillance video shows that on October 12, 2021, at about 10:26 a.m., HILL, accompanied by another unidentified woman (the "Unidentified Woman") entered Shoot Point Blank – Cincy West, located at 7266 Harrison Avenue, Cincinnati, OH 45247. Seconds later, two men—one who is unidentified (the "Unidentified Man"), and another who was later identified as PULLEY (as I explain below)—also entered the store.

11. In an interview on December 7, 2021, I discussed with an associate who was on duty at Shoot Point Blank that day what he remembered about the transaction. I first showed the associate the surveillance video to assist him with recalling the event. The associate said he remembered that the woman in pink pants (later identified as HILL, as I explain below) had entered the store with another woman and two men. The associate said the men had walked around together and asked to look at different models of firearms, but that HILL and the other woman did not look at any firearms or seem interested in them. The associate said HILL and a man wearing blue (later identified as PULLEY, as I explain below) then remained in the store while the other two left. According to the associate, HILL then told the associate she wanted to purchase a firearm, and PULLEY said he was going to pay for it. The associate provided both HILL and PULLEY with an ATF Form 4473 – Firearms Transaction Record.

12. Based on my training and experience, I know that, during the purchase of a firearm from a Federal Firearms Licensee (FFL), the purchaser is required to provide identifying information and is subject to an FBI National Instant Criminal Background Check System (NICS) query. There are four possible outcomes of this query: Proceed, Delayed, Denied, and Cancelled. “Proceed” authorizes the FFL to transfer the firearm to the purchaser. Delay commands the FFL not to transfer the firearm until a determination is made on the FBI NICS check or (if no determination is made) until three days have passed. “Denied” commands the FFL not to transfer the firearm to the purchaser. “Cancelled” indicates that the proposed transaction has been cancelled.

13. According to the associate, PULLEY objected to filling out the ATF Form 4473, saying that it was not his firearm and that he was purchasing it for HILL. The associate said this was suspicious to him because HILL had not participated in the shopping process and had not looked at any firearms, including the one she had asked to purchase, before attempting to buy it. The associate said he told HILL and PULLEY that since PULLEY was paying for the firearm, PULLEY would have to fill out the ATF Form 4473. According to the associate, PULLEY asked him why he needed to fill out the form, and the associate said he believed the sale to be a “straw” purchase<sup>2</sup> and that it was a felony for HILL to purchase a firearm for PULLEY or anyone else. The associate said he then told HILL and PULLEY that he was denying the sale due to PULLEY’s refusal to fill out the form, at which point HILL and PULLEY left.

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<sup>2</sup> As noted above, the term “straw” purchase refers to the purchase of a firearm on behalf of someone else. The instructions to Question 21.a of the ATF Form 4473 – Firearms Transaction Record explain: “For purposes of this form, a person is the actual transferee/buyer if he/she is purchasing the firearm for him/herself or otherwise acquiring the firearm for him/herself (e.g., redeeming the firearm from pawn, retrieving it from consignment, firearm raffle winner). A person is also the actual transferee/buyer if he/she is legitimately purchasing the firearm as a bona fide gift for a third party. A gift is not bona fide if another person offered or gave the person completing this form money, service(s), or item(s) of value to acquire the firearm for him/her, or if the other person is prohibited by law from receiving or possessing the firearm.”

**C. About 35 minutes later, HILL, accompanied by PULLEY, bought two firearms from Shoot Point Blank in Blue Ash and then attempted to buy two more firearms.**

14. Surveillance video shows that, at about 11:30 a.m. that same morning (about 35 minutes after they left Shoot Point Blank – Cincy West), HILL, PULLEY, and at least the Unidentified Man arrived at Shoot Point Blank – Blue Ash, located at 10930 Deerfield Road, Cincinnati, OH 45242, in a red Ford Mustang convertible.

15. The Unidentified Man got out of the front passenger seat of the car to allow HILL to get out of the back seat of the two-door vehicle. Once HILL had gotten out, the Unidentified Man got back into the front passenger seat. PULLEY, the driver, then got out of the car and met HILL on the sidewalk behind the car.

16. The surveillance video shows that PULLEY then handed HILL an item that appears to be a wad of U.S. currency. Below is a zoomed-in screenshot of the surveillance video at the moment before PULLEY handed the suspected U.S. currency to HILL:



17. Surveillance video shows that, after HILL and PULLEY entered the store, they began looking at the firearms on display.

18. Based on surveillance video, witness interviews, and my review of documentation from Shoot Point Blank – Blue Ash, I know that, shortly after HILL and PULLEY entered the store, an associate from Shoot Point Blank – Blue Ash gave HILL an ATF Form 4473 – Firearms Transaction Record.

19. The surveillance video shows that, at about 11:56 a.m., HILL removed U.S. currency from her left pant pocket and gave it to the sales associate. HILL then completed the purchase of a Taurus Model G3C, 9mm caliber pistol bearing serial number ACJ242804, and a Taurus Model G2C, 9mm caliber pistol bearing serial number ACH129427, for total price of \$614.44. A receipt related to this purchase shows that she paid with \$620.00 in U.S. currency.

20. Surveillance video shows that, at about noon, HILL left the store by herself and returned to the red Mustang. The Unidentified Male then got out of the front passenger seat and allowed PULLEY to get into the back seat. A few minutes later, PULLEY came out of the store and returned to the driver's side of the Mustang, where he appeared to lean into, or sit in, the vehicle, with the driver's side door open.

21. A few minutes later, at about 12:07 p.m., the surveillance video captures the Unidentified Male getting out of the front passenger seat and HILL getting out from the back passenger seat. In the moment when she is getting out of the car, HILL can be seen holding an item in her left hand. As HILL approaches the store, the surveillance video shows that the item in her hand appears to be more U.S. currency, as shown below:





22. In an interview on December 3, 2021, an associate who was on duty at Shoot Point Blank – Blue Ash on October 12, 2021, told me that, when HILL came back inside the store, she tried to buy two more Taurus pistols. This time, the sales associates told HILL they were not going to sell her any other firearms due to the suspicious nature of the purchase. Surveillance video shows that HILL then went back to the Mustang, which departed at about 12:15 p.m.

**D. HILL represented on ATF Form 4473 that she was purchasing the firearm for herself, and not for another person.**

23. On the ATF Form 4473 – Firearms Transaction Record that HILL completed on October 12, 2021, HILL represented that she was purchasing the firearm for herself and not for another person.

24. Specifically, Section 21.a of ATF Form 4473, which must be completed by the purchaser of the firearm, asks: “Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. Exception: If you are picking up a repaired firearm(s) for another person,

you are not required to answer 11.a and may proceed to 11.b. (See Instructions for Question

11.a.)” HILL answered this question by checking the box labeled, “Yes,” as pictured below:

21. Answer the following questions by checking or marking either the “yes” or “no” box to the right of the questions:	Yes	No
a. Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)? <b>Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. Exception: If you are only picking up a repaired firearm(s) for another person, you are not required to answer 21.a. and may proceed to question 21.b.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**E. On October 28, 2021, PULLEY was arrested on an unrelated arrest warrant, and a probation search of his phone revealed evidence that he was trafficking firearms, including at least one of the firearms HILL bought.**

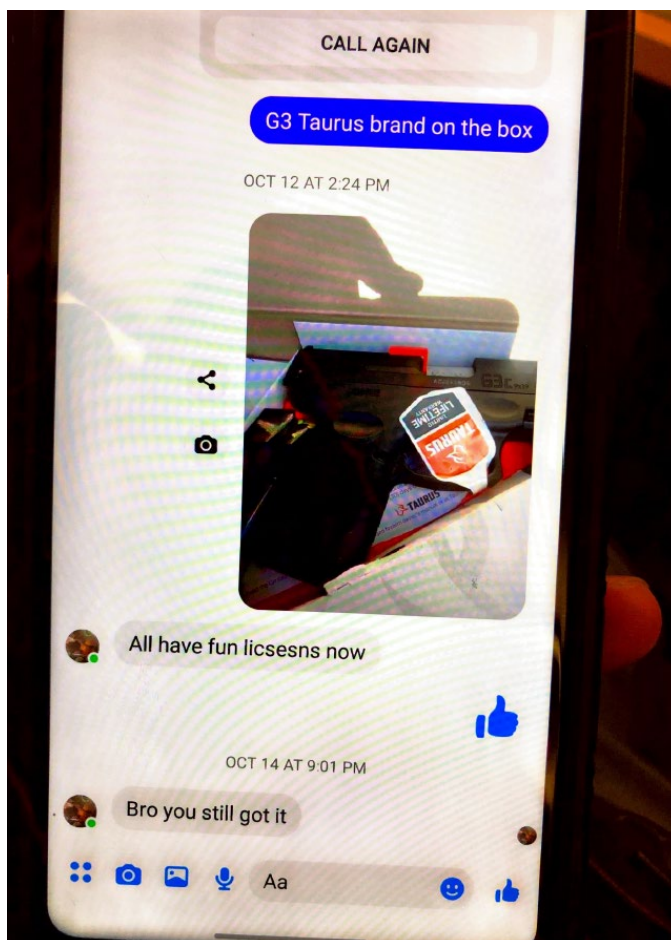
25. On June 24, 2021, PULLEY was assigned to Community Control and directed to report to the Hamilton County Probation Department (HCPD) in relation to Case Nos. B1802658-1 through Case No. B1802658-5. That same day, PULLEY signed HCPD’s General Rules for Probationers, which includes twelve detailed rules for the signing probationer to follow. Rule 3 states, “I will not own, possess, or carry a firearm or other lethal weapon.” Rule 9 states, “I am subject to search in accordance with Ohio Revised Code Section 2951.02. The search includes, but is not limited to, the search of my person, place of residence, motor vehicle, cell phone, purses and other packages.”

26. On October 19, 2021, a warrant was issued for PULLEY’s arrest in relation to an attempted theft allegedly committed by him on October 7, 2021.

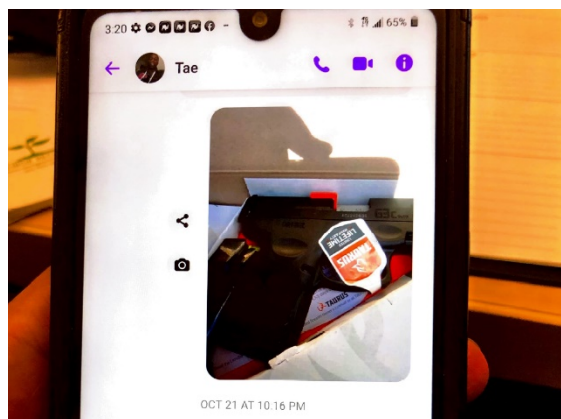
27. On October 28, 2021, PULLEY was arrested by HCPD Probation Officer (PO) Brandon Adams in relation to the outstanding arrest warrant. The same day, pursuant to Rule 9 of HCPD’s General Rules for Probationers, PO Adams searched PULLEY’S cellphone.

28. During his search of the cellphone, PO Adams took pictures of images and text communications related to firearms. PO Adams identified more than 15 images of firearms that it appeared PULLEY was offering to sell to various individuals since approximately July 2021. For

example, on October 12, 2021, at 2:24 p.m.—about two hours after HILL purchased the Taurus firearms described above—PULLEY sent a message to someone that included a photograph of a Taurus handgun in a box, writing: “G3 Taurus brand on the box,” as pictured below:



29. As another example, at an unknown time, but before October 21, 2021, at 10:16 p.m., PULLEY sent to “Tae” an image that appears to depict a Taurus G3C pistol. As shown in the second image below, the pistol appears to bear serial number ACJ242804—i.e., the serial number of one of the firearms HILL purchased:



**F. PULLEY's Probation Officer identified him as the person in blue in the surveillance footage.**

30. PO Adams's search of PULLEY's phone was conducted as part of HCPD's own investigation. Later, HCPD provided the information about the photos of firearms on the phone, as well as the phone itself, to ATF.

31. On December 7, 2021, ATF agents showed PO Adams a still photo from the surveillance footage from outside Shoot Point Blank – Blue Ash. PO Adams said that the person in the photograph who was wearing a blue shirt reading "Self Made" appeared to be PULLEY.

**G. Neither PULLEY nor HILL is, was, or has a pending application to be an FFL.**

32. On December 7 and 9, 2021, Industry Operations Investigator Bill Halusek queried the ATF Federal Licensing System to determine if HILL or PULLEY, respectively, is currently, was previously, or has a pending application to become a Federal Firearms Licensee (including a licensed importer, licensed manufacturer, licensed dealer, or licensed collector). The result of both queries was negative.

**CONCLUSION**

33. Based on the foregoing, I respectfully request that the Court issue the proposed criminal complaints and arrest warrants.

Dated: 12/29/2021

Michelle Nelson  
MICHELLE NELSON  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms  
and Explosives

Sworn to before me this 29 day of December, 2021.

Karen L. Litkovitz  
Karen L. Litkovitz  
United States Magistrate Judge

